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\*E-filed 1/16/07\*

ATTORNEYS FOR DEFENDANT JON R. DOYLE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE OFFICE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JON R. DOYLE,  
  
Defendant.

CASE NO. CR-05-00199 HRL  
  
*EX PARTE* APPLICATION AND ORDER  
CONTINUING SENTENCING HEARING  
  
Crim. L.R. 32-2  
  
[No Hearing Requested]

**EX PARTE APPLICATION AND ORDER CONTINUING SENTENCING HEARING**

Pursuant to Criminal Local Rule 32-2, Jon R. Doyle requests that the court continue the sentencing hearing to April 26, 2007 at 9:30 a.m.

Good cause exists to continue this hearing. The court requested a new hearing date. In addition, the parties continue to work to resolve the restitution issue prior to the sentencing hearing. Due to E-brary's year-end accounting, its counsel was not available to discuss restitution. She will not be available until the end of January. Therefore, it is necessary to continue the sentencing hearing to resolve the restitution issue. Continuing the sentencing hearing to April 26, 2007 will allow the probation officer adequate time to incorporate the restitution resolution into the Pre-sentence Report.

1           1.       On January 12, 2006, Assistant United States Attorney Shashi H. Kewalranani  
2 advised me that he does not object to this application and continued hearing date.

3           2.       On January 10, 2007, I had a discussion with Assistant Probation Officer J.D.  
4 Woods about seeking a continuance of the sentencing hearing and the proposed hearing date of  
5 April 26, 2007. Mr. Woods does not object to this application and continued hearing date.

6           3.       On January 11, 2007, my secretary confirmed with the Courtroom Deputy Clerk  
7 that April 26, 2007 at 9:30 a.m. is available as a sentence hearing date.

8           I declare under penalty of perjury under the laws of the United States of America that the  
9 foregoing is true and correct and that this document was executed on the 12<sup>th</sup> day of January  
10 2007, at San Jose, California.

11 DATED: JANUARY 12, 2007

BERLINER COHEN

12  
13 BY: /s/CHRISTIAN E. PICONE

FRANK R. UBHAUS

CHRISTIAN E. PICONE

ATTORNEYS FOR DEFENDANT JON R. DOYLE

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18 **ORDER**

19           Based on the foregoing application and good cause appearing therefore, it is hereby  
20 ordered that the sentencing hearing scheduled for Thursday, February 1, 2007, is vacated and this  
21 matter is continued for a sentencing hearing on Thursday, April 26, 2007 at 9:30 a.m.

22 DATED: 1/16/07

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25   
HOWARD R. LOYD

UNITED STATES MAGISTRATE JUDGE